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5 **IN THE UNITED STATES DISTRICT COURT**

6 **FOR THE DISTRICT OF ARIZONA**

7 Douglas Lee Horn, ) No. CV 04-2014-PHX-SMM

8 Plaintiff, ) **ORDER**

9 vs. )

10 Dora Schriro, et al., )

11 Defendants. )

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13 Plaintiff Douglas Lee Horn seeks reconsideration of the Court's order granting

14 Defendants' Motion for Summary Judgment (Doc. 225). Plaintiff argues that he exhausted

15 his administrative remedies and that Defendants were deliberately indifferent to his medical

16 needs and violated the Americans with Disabilities Act and the Rehabilitation Act (Docs.

17 222, 225).

18 The Court may relieve a party from a final judgment for: (1) mistake, inadvertence,

19 surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment;

20 (5) a satisfied, released, or discharged judgment; or (6) any other reasons justifying relief

21 from the operation of the judgment. Fed.R.Civ.P. 60(b).

22 First, the Court, having ruled that Plaintiff sufficiently exhausted his administrative

23 remedies, is bewildered as to why Plaintiff seeks reconsideration of an issue upon which the

24 Court ruled in his favor. The Court declines to reconsider its finding that Plaintiff properly

25 exhausted his administrative remedies. Second, Plaintiff merely reasserts arguments he

26 previously raised and fails to present any newly discovered evidence. Plaintiff appears to

27 indicate that he could not sufficiently defend Defendants' motion because the Court refused

28 to grant him counsel or provide him an expert. Plaintiff was not entitled to appointed counsel

1 and despite his indigency, Plaintiff remained responsible for obtaining his own expert in this  
2 civil action. Accordingly, Plaintiff's request for reconsideration will be denied. And because  
3 Plaintiff is merely reasserting prior arguments or raising patently frivolous issues, the Court  
4 will not entertain any additional challenges to the Order granting Defendants summary  
5 judgment. Any further motion filed by Plaintiff in this case, unless addressing issues related  
6 to taxation of costs and assessment of attorney fees, will be summarily denied.

7 **IT IS HEREBY ORDERED** that Plaintiff's "Motion to dismiss court's 9/10/07  
8 decision on summary judgment" (Doc. 225) is **DENIED**.

9 **IT IS FURTHER ORDERED** that any motion filed by Plaintiff in this case, unless  
10 addressing issues related to taxation of costs and assessment of attorney fees, will be  
11 summarily denied.

12 DATED this 12<sup>th</sup> day of October, 2007.

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16 Stephen M. McNamee  
17 United States District Judge  
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